

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF MISSISSIPPI

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In re

Case No. 18-12647-JDW

CHARLES TUCKER  
CYNTHIA TUCKER

Chapter: 7

Debtor

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MOTION TO LIFT STAY FILED BY RAC ASSET HOLDINGS, LLC.  
DBA AMERICAN FINANCIAL, AS ASSIGNEE OF AMERICAN FINANCIAL, INC.

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COMES NOW, your creditor, RAC Asset Holdings LLC., and moves the Court to lift the automatic stay with regards to the Debtors' 2012 Nissan Altima VIN 1N4AL2AP8CN534668.

Said creditor would state unto the Court as follows:

1. On or about July 10, 2018 the debtors filed a Chapter 13 bankruptcy petition with this Court under case number 18-12647-JDW.
2. On or about April 26, 2014, the Debtor, executed and entered into a Lease Agreement with the above creditor. This is a true lease agreement for the lease of a 2012 Nissan Altima VIN 1N4AL2AP8CN534668. The debtors have made all the payments under the lease term; however, there is a residual balance of \$2,975.00.
3. The debtors listed in Schedule G of their petition that the 2012 Nissan Altima is inoperable. However, the debtors did not include this unexpired lease in their statement of intention.
4. The creditor is currently not being protected as the debtors are not paying the residual balance. Additionally, the creditor has no proof that the debtors have valid insurance on the vehicle.

5. The stay should be lifted to allow RAC Asset Holdings LLC.to recover the 2012 Nissan Altima and dispose of the collateral as set forth in the lease agreement.

WHEREFORE, PREMISES CONSIDERED, said creditor moves the Court to lift the automatic stay to allow RAC Asset Holdings to retrieve and dispose of the 2012 Nissan Altima in accordance with the terms and conditions of the lease agreement.

STONE, HIGGS & DREXLER

/s/ Brittan Webb Robinson  
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JM/18-03628-0

**CERTIFICATE OF SERVICE**

**The following individuals were served the above pleading on August 6, 2018:**

**DEBTORS**, Charles Tucker and Cynthia Tucker, 540 Huggins Dr., Holly Springs Mississippi 38635

**DEBTOR ATTORNEY**, Karen B. Schneller, Attorney at Law – Via ECF

**TRUSTEE**, Stephen Smith – Via ECF

**US TRUSTEE**, Via ECF [USTPRegion05.AB.ECF@usdoj.gov](mailto:USTPRegion05.AB.ECF@usdoj.gov)

/s/ Brittan Webb Robinson